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8 Attorneys for Plaintiff

9 UNITED STATES DISTRICT COURT

10 NORTHERN DISTRICT OF CALIFORNIA

11 SAN FRANCISCO DIVISION

12 UNITED STATES OF AMERICA,) No. CR 05-0533 SI
13 Plaintiff,)
14 v.)
15 JOHN ANTHONY MOSLEY,)
16 Defendant.)
17 _____)

**STIPULATION AND [PROPOSED]
ORDER EXCLUDING TIME FROM
OCTOBER 7, 2005 THROUGH
NOVEMBER 18, 2005 FROM
CALCULATIONS UNDER THE
SPEEDY TRIAL ACT (18 U.S.C. § 3161)**

18 On October 7, 2005, the parties appeared for initial appearance before this Court on the
19 Superseding Indictment. The defendant was personally present and in custody. Elizabeth Falk,
20 Assistant Federal Public Defender, appeared on behalf of the defendant. The United States was
21 represented by Assistant United States Attorney Gregg W. Lowder.

22 The Court continued the matter until November 18, 2005 @ 11:00 a.m. for status
23 conference/setting of trial the defendant's next appearance.

24 The parties agree and seek to exclude time from calculations under the Speedy Trial Act,
25 18 U.S.C. § 3161, from October 7, 2005 through November 18, 2005 in order allow time to
26 effectively prepare and to ensure continuity of counsel. The parties request the Court to find and
27 order that the time from October 7, 2005 through November 18, 2005 be excluded from
28 calculations under the Speedy Trial Act, 18 U.S.C. § 3161, for the following reasons:

Order re Speedy Trial Exclusion of Time
CR 05-0533 SI

- 1 1. The attorney for the defendant requests the Court order time excluded under the
2 Speedy Trial Act in order to allow time to effectively prepare, in light of the recently
3 returned superseding indictment adding new charges and the extensive discovery
4 provided to the defense on September 28, 2005 relating to the new charges; and to ensure
5 continuity of counsel, in light of the unavailability of defense counsel from October 11
6 through October 24 due to defense counsel being on vacation. The attorney for the
7 defendant believes an exclusion of time from calculations under the Speedy Trial Act is
8 necessary to allow the defense to effectively prepare and to ensure continuity of counsel
9 for the defendant, further believes an exclusion is in the defendant's best interests and is
10 with the defendant's consent, and agrees that the exclusion of time from October 7, 2005
11 through November 18, 2005 is appropriate under the Speedy Trial Act, 18 U.S.C. §
12 3161(h)(8)(B)(iv);
13 2. The defendant joins in the request to exclude time from October 7, 2005 through
14 November 18, 2005 for the reasons stated above; and
15 2. The attorney for the government also agrees that the exclusion of time under the
16 Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(B)(iv) from October 7, 2005 through
17 November 18, 2005 is appropriate and necessary for the reasons stated above.

18 Given these circumstances, the Court orders a status conference on November 18, 2005 at
19 11:00 a.m., and finds and orders that the ends of justice served by excluding from calculations
20 the period from October 7, 2005 through November 18, 2005, outweigh the best interests of the
21 public and the defendant in a speedy trial, pursuant to the Speedy Trial Act, 18 U.S.C. §

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1 3161(h)(8)(B)(iv), and the time from October 7, 2005 through November 18, 2005 is excluded
2 from calculations under the Speedy Trial Act, 18 U.S.C. § 3161.

3 **SO STIPULATED:**

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5 DATED: 11/01/2005

/s/

6 ELIZABETH FALK
Attorney for Defendant

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8 DATED: 10/18/2005

/s/

9 GREGG W. LOWDER
Assistant United States Attorney

10 **IT IS SO ORDERED.**

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12 DATED: _____

13 SUSAN ILLSTON CO
United States District Court Judge

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